

FACTSHEET

TITLE: **USE PERMIT NO. 146A**, requested by West Gate Bank, to waive the sign requirements for the O-3 District to allow an additional ground sign; to allow a ground sign in excess of the maximum allowed height; and to allow the sign area for ground signs to exceed the allowed area, on property generally located northeast of the intersection of Old Cheney Road and Highway 2.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/29/03
Administrative Action: 10/29/03

RECOMMENDATION: Conditional Approval, with amendment to Condition #1.1.1 (7-0: Krieser, Taylor, Marvin, Duvall, Carlson, Larson and Steward voting 'yes'; Bills-Strand absent).

FINDINGS OF FACT:

1. This is a request for a 64 sq. ft. wall sign; a 69 sq. ft. ground sign at the entrance; and a 170 sq. ft. ground sign at the west edge of the site in a retaining wall. Approval of these signs requires three waivers of the sign requirements in the O-3 zoning district:
 - A. To allow the entrance sign to exceed the maximum area allowed by 37 sq. ft.
 - B. To allow an additional ground sign (in the retaining wall), exceeding the maximum area allowed by 138 sq. ft.; and
 - C. To allow the wall sign in the retaining wall to exceed the maximum allowed height by approximately 1' 8".
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that if other allowed signs on this site are restricted in area to compensate for the requested waivers so that the result is no net increase in the total sign area allowed, this request is consistent with the intent of the sign requirements for the O-3 district and the Zoning Ordinance.
3. The applicant's testimony is found on p.7, including a proposed amendment to Condition #1.1.1, which would specifically allow reallocation of signage from the building to the retaining wall and monument sign. The staff concurred with the proposed amendment.
4. There was no testimony in opposition.
5. On October 29, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 16, 2003, with the amendment to Condition #1.1.1 as requested by the applicant.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 10, 2003

REVIEWED BY: _____

DATE: November 10, 2003

REFERENCE NUMBER: FS\CC\2003\UP.146A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 29, 2003 PLANNING COMMISSION MEETING

****As Revised and Recommended by Planning Commission: 10/29/03****

P.A.S.: Use Permit #146A - West Gate Bank

PROPOSAL: To waive the sign requirements for the O-3 district.

WAIVER REQUESTS:

1. Allow an additional ground sign.
2. Allow a ground sign in excess of the maximum allowed height.
3. Allow the sign area for ground signs to exceed the allowed area.

LAND AREA: 6.42 acres, more or less

CONCLUSION: If other allowed signs on this site are restricted in area to compensate for the requested waivers so the result is no net increase in the total sign area allowed, this request is consistent with the intent of the sign requirements for the O-3 district and the Zoning Ordinance.

RECOMMENDATION:

- | | |
|---|-----------------------------------|
| 1. Allow an additional ground sign. | Conditional Approval |
| 2. Allow a ground sign in excess of the maximum allowed height. | Conditional Approval |
| 3. Allowed the sign area for ground signs to exceed the allowed area: | |
| Entrance Sign | <u>Approval</u> Denial |
| West Sign | Conditional Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, West Gate Bank Addition, Lincoln, Lancaster County, Nebraska.

LOCATION: Northeast of the intersection of Old Cheney Road and Highway 2.

EXISTING ZONING: 0-3 Office Park District

EXISTING LAND USE: Bank

SURROUNDING LAND USE AND ZONING:

North: B-5, O-3 Office, Commercial
South: H-4, AGR Office, Commercial, Vacant
East: R-1, AGR Single-family Residential
West: H-4 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS:

- Page F18 - Guiding Principles for the Urban Environment - Overall Form
 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.
 - Preservation and renewal of historic buildings, districts and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities, and existing neighborhoods.
- Page F24 - Future Land Use Map
 - This land is designated as Commercial in the Land Use Plan.
- Page F37 - Commercial and Industrial Development Strategy
 - The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.
- Page F38 - General Principles for all Commercial and Industrial Uses
 - Commercial and industrial districts in Lancaster County shall be located: within the City of Lincoln or incorporated villages; outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except areas of existing commercial and industrial zoning); where urban services and infrastructure are available or planned for in the near term; in sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan; in areas compatible with existing or planned residential uses; in areas accessible by various modes of transportation (i.e. automobile, transit, and pedestrian; so that they enhance entryways or public corridors when developing adjacent to these corridors; in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this plan.

HISTORY: UP#146 - Approved on **November 22, 2002**, allowing 60,000 square feet of financial and office floor area with a waiver to building height.

FP#02053 - A final plat approved on **November 22, 2002**, creating Lot 1, West Gate Bank Addition.

SAV#01024 - Approved on **November 22, 2002**, vacating the western portion of Wagon Lane to accommodate FP#02053.

ANALYSIS:

1. The following signs are allowed in the O-3 district:
 - A. On-premise wall and projecting signs not exceeding 10% of wall coverage or 250 square feet in area per building facade, whichever is less, except a single tenant is limited to 10% or 150 square feet;
 - B. One ground sign per vehicular entrance not exceeding 32 square feet in area and 8' in height;
 - C. One internal direction sign per entrance not exceeding 50 square feet in area and 8' in height.
 - D. In addition to B and C above, one ground sign not exceeding 15 square feet in area and 5' in height shall be permitted at each building entrance.
2. The plan submitted shows a 64 square foot wall sign; a 69 square foot ground sign at the entrance; and, a 170 square foot ground sign at the west edge of the site in a retaining wall.
3. Three waivers are being requested:
 - A. To allow the entrance sign to exceed the maximum area allowed by 37 square feet;
 - B. To allow an additional ground sign (in the retaining wall), and that also exceeds the maximum area allowed by 138 square feet;
 - C. To allow the wall sign in the retaining wall to exceed the maximum allowed height by approximately 1' 8".
4. The total sign area allowed for this site 1,097 square feet. The total sign area shown is approximately 303 square feet (208 of which requires a waiver to be allowed). So, while the sign area for ground signs exceeds what is allowed, there is additional sign area allowed beyond what is shown on the plan. This includes one 15 square foot ground sign at the building entrance, and up to an additional 936 square feet of wall sign on the building.
5. The retaining wall at the west edge of the site will be constructed whether it has sign face or not, as it is both functional and aesthetic. The sign copy shown on the wall is non-intrusive, and is focused towards adjacent commercial areas and the Highway 2 corridor. The sign is architecturally compatible with the bank and integrates well with the site. It is noted that the intent of the site layout was to provide a visual focus when looking west to east from the Highway 2 corridor, and this sign is compatible in that viewshed.
6. The waiver to sign height is to allow the sign on the retaining wall up to 9' 8". The text of the sign is actually less than 9' in height, however the Zoning Ordinance requires that the height be measured to the surrounding structure. This request is partially mitigated by the fact that the grade is rising in elevation from west to east across the site.

7. A waiver is also requested to allow the entrance sign to be more than double the size allowed. Entrance signs are warranted and help customers and others find businesses, and as such provide a service to the public. However, staff has generally not found justification for entrance signs in the O-3 to exceed what is allowed. No justification for this waiver has been provided, and there do not appear to be any unique circumstances associated with this sign or part of the site.
8. This request does not seek an increase in the total amount of signs allowed, only how the allowed sign area is allocated among the different types of signs. It is appropriate to reduce the unused sign area by a like amount, thereby maintaining consistency between the total amount of signs allowed on the site and with what is allowed in the O-3 district. That being done, the impact of these waivers to allow the west ground sign is minimal.
9. While it is reasonable to limit the amount of sign area on the building in exchange for an additional ground sign, it is also reasonable to restrict where the sign area is allowed on the building. Acknowledging that the visual focus of the site is generally from the west looking east, the limit on sign area on the building should also restrict signs on the east side the building - the side which faces residential. This allows the signs to be focused where they are most desirable, but also limits them where they would be least compatible.
10. The O-3 district was established as a transitional district between higher intensity commercial districts and residential uses. To enhance compatibility and minimize the impact upon residential uses, signs are limited as to the types of signs allowed along with the amount of sign face allowed. The west ground sign is not detrimental to either the neighborhood or the community overall, and the waivers to allow it are appropriate provided the total allowed sign area is not increased.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 A note that ~~reduces the total allowed area of wall signs by 170 square feet, which is equal to the additional amount allowed for the west ground sign~~ limits the maximum allowed sign area on the building to 565 square feet. (**Per Planning Commission, at the request of the applicant and agreed upon by staff, 10/29/03**)
- 1.1.2 A sign table that includes all allowed signs and the approved area of each, including the reduction and restrictions in allowed wall signs.
- 1.1.3 A note that prohibits signs on the east face of the building.

2. This amendment approves waivers to the sign requirements for the O-3 district to allow an additional ground sign, a ground sign that exceeds the maximum height allowed, and a ground sign in area in excess of the maximum area allowed.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.
 - 3.2 The construction plans shall comply with the approved plans.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner

October 16, 2003

**APPLICANT/
OWNER:**

Carl Sjulín
C/o West Gate Bank
1240 West O Street
Lincoln, NE 68508 (402) 434-3456

CONTACT:

Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508 (402) 474-6311

USE PERMIT NO. 146A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 29, 2003

Members present: Krieser, Taylor, Duvall, Carlson, Larson, Marvin and Steward; Bills-Strand absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. Carl Sjulín, President of West Gate Bank, 1204 West O Street, presented the application which seeks approval of the sign package for the West Gate Bank under construction at Old Cheney and Hwy 2. The Bank is proposing to do a low level of signage at this center, i.e. 303 sq. ft. total signage, which is less than one-third of what is otherwise allowed. The reason for this permit is to reallocate some of the square footage allowed on the building to the monument and retaining wall signs. The proposed monument sign at the entrance is for the tenants of the building and the retaining wall sign would be a center sign for West Gate Bank Center. They are carved in stone, made of brick and stone materials, the same as is being used on the building. There will be no use of neon on these signs. The only on-building sign is 64 sq. ft. over the entrance, which identifies the bank. Sjulín believes that this is a very attractive sign package.

Sjulín explained that the waiver would allocate 208 sq. ft. from what could be allowed on the building, and move it to the retaining wall sign and the monument sign. The Bank agrees to prohibit any signage on the east side of the building which faces the residential/AGR area. The Bank further agrees to restrict the amount of signage on the building to 565 sq. ft. at any point in the future. Sjulín then submitted a proposed amendment to the conditions of approval, which would specifically allow this reallocation and he believes that staff is in agreement. The proposed amendment reallocates and allows the entrance sign and the retaining wall signage, and counts that square footage against what would otherwise be allowed on the building.

Sjulín also commented that this exact sign package was shown with the use permit a year ago. They did not have the details at that time and the details are what is being considered today. Two entrance signs were originally approved, but they have backed that down to just one entrance sign. This application does not increase the signage that was previously approved, but seeks a reallocation of the signage.

Carlson confirmed with the applicant that the ground sign is double-sided. Sjulín concurred—the entrance sign is double-sided, the same on both sides.

There was no testimony in opposition.

Staff questions

Steward asked for a staff response to the proposed amendment. Brian Will of Planning staff had no objection. The staff report recommends denial of the entrance ground sign; however, at the time that the staff report was written, staff was still discussing the sign package with the applicant. The finding is now that the signs shown are compatible with the neighborhood and the site design, thus the staff concurs with the proposed amendment. It would allow the entrance ground sign and would allow the ground sign on the west side.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 29, 2003

Larson moved to approve the staff recommendation of conditional approval, with amendment to Condition #1.1.1 as submitted by the applicant, seconded by Duvall.

Larson believes the project has been done very tastefully.

Taylor expressed his appreciation for this approach with no complaints from the neighbors. It is very visually appealing and very thoughtfully done. He appreciates the bank's approach in terms of finding something agreeable to the staff.

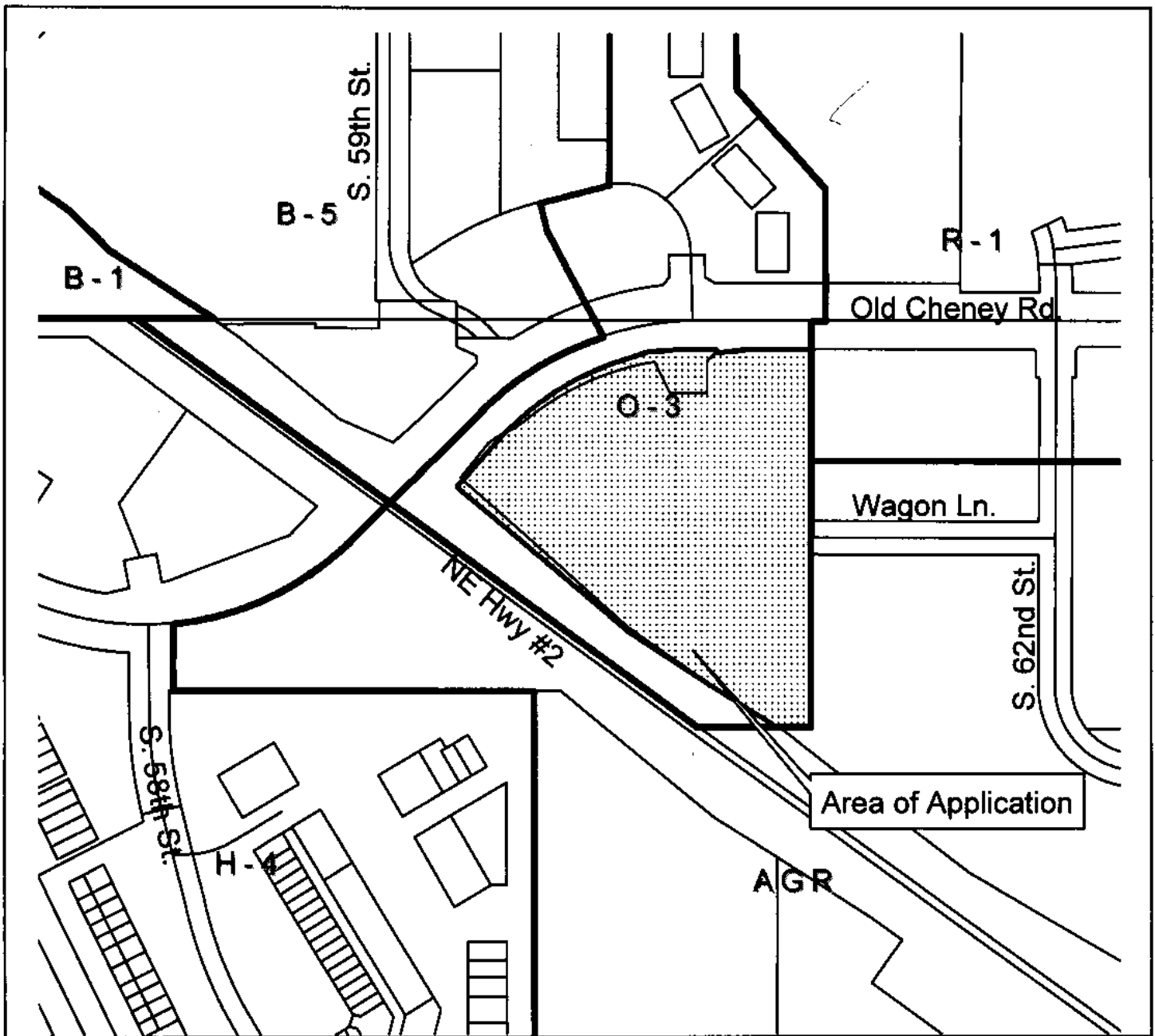
Carlson believes the applicant has gone the extra mile and that makes a statement about their dedication to the community.

Motion for conditional approval, with amendment to Condition #1.1.1, carried 7-0: Krieser, Taylor, Marvin, Duvall, Carlson, Larson and Steward voting 'yes'; Bills-Strand absent.



Use Permit #146A
Old Cheney Rd. & Hwy #2
Westgate Bank



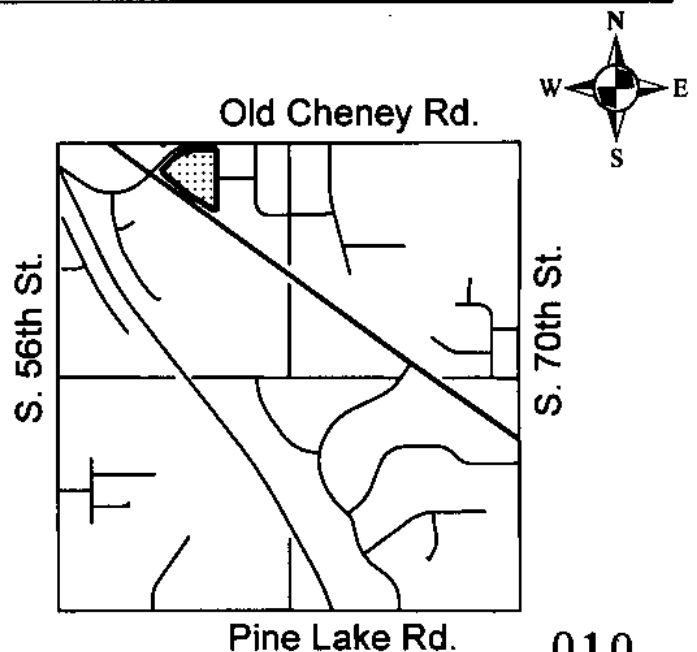
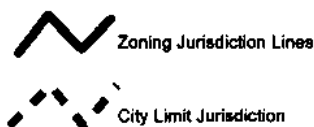


Use Permit #146A
Old Cheney Rd. & Hwy #2
Westgate Bank

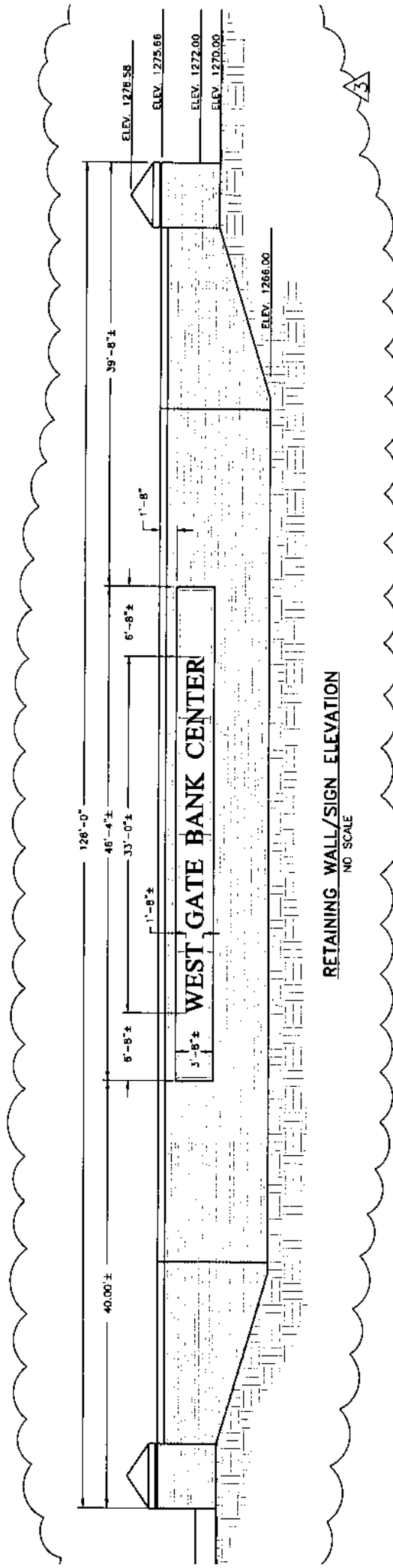
Zoning:

One Square Mile
 Sec. 16 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



010



RETAINING WALL/SIGN ELEVATION
NO SCALE

EXHIBIT "B"

OCT 17 2003

PLANNING DEPT. 1000

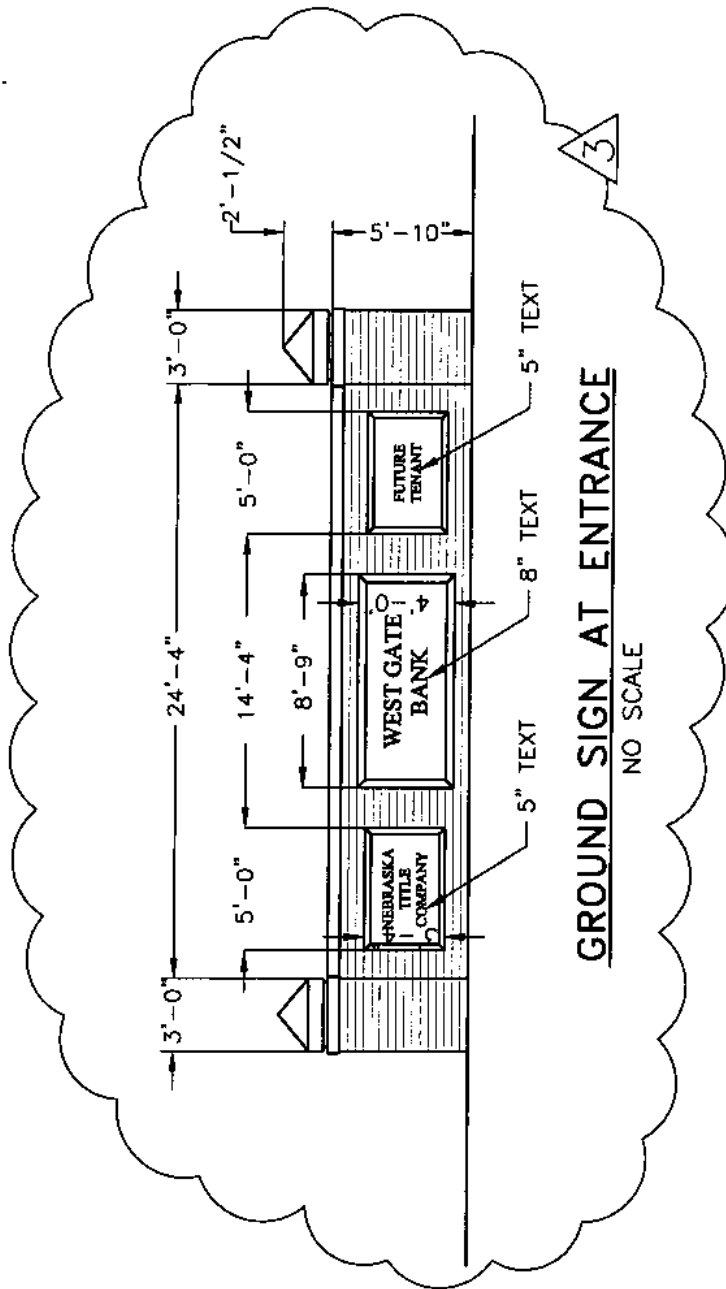


EXHIBIT "A"